

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE**

<b>COMMONWEALTH OF VIRGINIA</b>	)	<b>CASE NOS. CR03-3089, CR03-3090, CR03-3091</b>
<b>VERSUS</b>	)	
<b>LEE BOYD MALVO a/k/a</b>	)	<b>INDICTMENT - CAPITAL MURDER (2</b>
<b>John Lee Malvo</b>	)	<b>Counts) and USING A FIREARM IN THE</b>
		<b>COMMISSION OF A FELONY</b>

**ORDER**

On October 23, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

This case came before this Court today for argument on motions filed by the Commonwealth and the Defendant. The Court ruled as follows on each motion:

1. The defendant's motion to dismiss the indictment due to unconstitutionality of Va. Code §18.2-31(13) is **denied**.
2. The defendant's motion to preclude the death sentence based upon the "Terrorism Statute" is **denied**.
3. The defendant's motion to declare Rule 3A:11 unconstitutional is **denied**.
4. The defendant's renewed motion in limine regarding the admissibility of crime scene and autopsy photographs is **continued** to October 31, 2003 at 2:00 p.m.
5. The defendant's motion for daily and/or expedited trial transcripts from the trial of John Allen Muhammad is **denied**. The defendant may make another request for testimony only if there is specific need.
6. The defendant's motion to exclude statements made by the defendant during interrogation on November 7, 2002, is **denied**.
7. The Commonwealth's motion to continue the trial date is **denied**.

The Defendant was remanded to the custody of the Sheriff.

Entered on October 24, 2003.

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JANE MARUM ROUSH  
JUDGE DESIGNATE